

*United States Court of Appeals
for the Second Circuit*



APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

75-7250

LAWRENCE I. WEISMAN, on his own behalf
and on behalf of JAMES L. WEISMAN,
HARRY WEISMAN and BELLE WEISMAN,

USCA #75-7250

Plaintiffs-Appellants,

- against -

PIERRE J. LELANDAIS, SHEILA CLEJAN
WEISMAN, EUGENE LEYTRESS, NICHOLAS
R. DOMAN and SHEILA MAURA KAHOE,

B

Defendants-Appellees.

ROSEMARY T. FRANCISCUS,

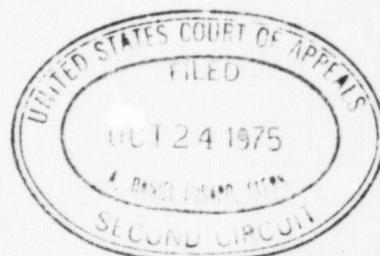
Plaintiff-Appellant,

USCA #75-7264

- against -

PIERRE J. LELANDAIS and SHEILA C.
WEISMAN,

Defendants-Appellees.



Appeal From the United States District
Court for the Southern District of New York

-----x

JOINT APPENDIX TO APPELLANTS' BRIEF

HYMAN BRAVIN
Attorney for Appellants
6 East 45th Street
New York, New York 10017
212 697-1055

63

PAGINATION AS IN ORIGINAL COPY

JOINT INDEX

Order of Court of Appeals dated September 23, 1975

Weisman's Appendix

Stipulation of Discontinuance against Appellees Doman and Kahoe	A. 3
Notice of Appeal	A. 5
Amended Complaint	A. 9
Defendants-Appellees' Notice of Motion to Dismiss Complaint	A. 37
Supporting Affidavit of S.M. Kahoe	A. 39
Supporting Affidavit of N.R. Doman	A. 41
"Order" of United States District Court	A. 50

Franciscus' Appendix

Notice of Appeal	A. 7
Amended Complaint	A. 30
Defendants-Appellees' Notice of Motion to Dismiss Complaint	A. 46
Supporting Affidavit of Sheila M. Kahoe	A. 47
Defendants-Appellees' Statement in Lieu of Memorandum of Law	A. 49
"Order" of United States District Court	A. 51

PANEL III

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals,
in and for the Second Circuit, held at the United States Court
House, in the City of New York, on the twenty-third day of
September, one thousand nine hundred and seventy-five.

----- x

LAWRENCE I. WEISMAN, : :

Plaintiff-Appellant, : :

v. : 75-7250
75-7264

PIERRE J. LELANDAIS, SHEILA CLEJAN : :
WEISMAN, EUGENE LEYTESS, NICHOLAS
DOMAN, and SHEILA MAURA KAHOE, : :

Defendant-Appellees. : :

----- x

It is hereby ordered that upon consideration of the motion made herein by counsel for the appellant by notice of motion dated August 29, 1975 to dismiss the appeal for lack of jurisdiction and to remand the appeal to the United States District Court for the Southern District of New York for the purpose of amending the complaint or in the alternative to extend the time for fifteen days for appellant to perfect his appeal after determination of the instant motion that the motion to dismiss be and it hereby is denied without prejudice to move to dismiss before the panel that will hear the appeal.

PANEL III

It is further ordered that the appellant shall file a brief and joint appendix on or before October 23, 1975.

A. DANIEL FUSARO

Clerk

By Edward J. Guardaro
Senior Deputy Clerk

* * *

Before:

HON. HENRY J. FRIENDLY

HON. PAUL R. HAYS

HON. WILFRED FEINBERG

Circuit Judges

STIPULATION OF DISCONTINUANCE DURING THE
APPEAL AGAINST APPELLEES DOMAN AND KAHOE

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x
LAWRENCE I. WEISMAN, on his own behalf :
and on behalf of JAMES L. WEISMAN,
HARRY WEISMAN and BELLE WEISMAN, :

Plaintiff-Appellants, :USCA #75-7250

- against - :

PIERRE J. LELANDAIS, SHEILA CLEJAN :
WEISMAN, EUGENE LEYTRESS, NICHOLAS R.
DOMAN and SHEILA MAURA KAHOE, :

Defendants-Appellees :

-----x

IT IS HEREBY STIPULATED AND AGREED by and between the
undersigned attorneys for the respective parties hereto that the
above action will be discontinued with prejudice toward renewal
thereof in any court by the Plaintiffs-Appellants against De-
fendants-Appellees, NICHOLAS R. DOMAN and SHEILA MAURA KAHOE.

DATED: September 4, 1975

HYMAN BRAVIN, ESQ.
Attorney for All Plaintiffs-Appellants
6 East 45th Street
New York, New York 10017

KEANE & BUTLER, ESQS.
Attorneys for Defendant-Appellee,
Sheila Maura Kahoe
200 Park Avenue
New York, New York 10017

STIPULATION OF DISCONTINUANCE DURING THE
APPEAL AGAINST APPELLEES DOMAN AND KAHOE

DOMAN & BEGGANS, ESQS.
Attorneys for Defendant-Appellee
Nicholas R. Doman
295 Madison Avenue
New York, New York 10017

So ordered
September 8, 1975
A. Daniel Fusaro, Clerk

WEISMAN NOTICE OF APPEAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW YORK

----- x
LAWRENCE I. WEISMAN

Plaintiff

: CIVIL NO. 74-3145 (CES)

vs.

PIERRE J. LELANDAIS et al.

Defendant.

----- x
NOTICE OF APPEAL

Notice is hereby given that Lawrence I. Weisman, Plaintiff in above named action hereby appeals to the United States Court of Appeals for the Second Circuit from the Order dismissing the Plaintiff's Complaint entered in the above-captioned action on the 12th day of March, 1975.

Dated: March 24, 1975

Lawrence I. Weisman
60 Ena Road
Honolulu, Hawaii 96815
Attorney for Plaintiff

TO: Clerk, United States Court of Appeals
For the Second Circuit
U.S. Courthouse
Foley Square,
New York, New York 10007

Butowsky, Schwenke & Devine
230 Park Avenue
New York, New York 10017

Attorneys for Defendant

WEISMAN NOTICE OF APPEAL

TO: Doman & Beggans
295 Madison Avenue
New York, New York 10017

Attorney for Defendant

FRANCISCUS NOTICE OF APPEAL
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW YORK

ROSEMARY T. FRANCISCUS

Plaintiff :
vs. : CIVIL NO. 74-4136 (CES)

PIERRE J. LELANDAIS et ano.

Defendant :

NOTICE OF APPEAL

Notice is hereby given that Rosemary T. Franciscus, Plaintiff in above named action hereby appeals to the United States Court of Appeals for the Second Circuit from the Order dismissing the Plaintiff's Complaint entered in the above-captioned action on the 12th day of March, 1975.

Dated: March 24, 1975

Lawrence I. Weisman
460 Ena Road
Honolulu, Hawaii 96815

Attorney for Plaintiff

TO: Clerk, United States Court of Appeals
For the Second Circuit
U.S. Courthouse
Foley Square
New York, New York 10007

FRANCISCUS NOTICE OF APPEAL

TO: Butowsky, Schwenke & Devine
230 Park Avenue
New York, New York 10017

Attorneys for Defendant

Doman & Beggans
295 Madison Avenue
New York, New York 10017

Attorney for Defendant

WEISMAN'S AMENDED COMPLAINT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x

LAWRENCE I. WEISMAN on his own behalf
and on behalf of JAMES L. WEISMAN,
HARRY WEISMAN and BELLE WEISMAN,

74 CIV 717 (JFD)

AMENDED COMPLAINT

Plaintiffs,

- against -

PIERRE J. LE LANDAIS, SHEILA CLEJAN
WEISMAN, EUGENE LEYTESS, NICHOLAS
DOMAN and SHEILA MAURA KAHOE,

Defendants.

----- x

Plaintiffs by their attorney, Lawrence I. Weisman, com-
plaining of the defendants herein, allege the following:

JURISDICTION

1. As provided in 28 U.S.C., Sec. 1332, jurisdiction
of this Court is based upon complete diversity of citizenship
between the plaintiffs and defendants as set forth below. The
amount in controversy is in excess of \$10,000, exclusive of
interest and costs.

2. Jurisdiction in this Court is also founded upon
various statutes of the United States including the Civil Rights
Acts of the United States 42 U.S.C. 1983, 28 U.S.C. 1343(3) and
1331; upon 28 U.S.C. Secs. 876, 1951, 1952(b) 18 U.S.C. Sec.
2113(a) (b) (c) and 15 U.S.C. Sec. 78(j) (b) and Sec. 77(q).

WEISMAN'S AMENDED COMPLAINT

Jurisdiction is also based upon federal statutes prohibiting the making of annoying or harassing telephone calls. Jurisdiction is also based upon the admiralty jurisdiction of this Court in that certain of the acts herein alleged occurred on the navigable waters of the United States, namely, Long Island Sound.

PARTIES

3. All plaintiffs, including James L. Weisman, are citizens and residents of the State of Maryland.

(a) Plaintiff, Lawrence I. Weisman ("Lawrence"), is the estranged husband of the defendant, Sheila Clejan Weisman who goes under the name of Clejan ("Clejan").

(b) The plaintiff is the father of James L. Weisman ("James"). Plaintiff has custody of James.

(c) The plaintiffs, Harry Weisman ("Harry") and Belle Weisman ("Belle") are the parents of plaintiff, Lawrence, and the grandparents of plaintiff, James.

4. The defendants are citizens and residents of the State of New York.

(a) Defendant, Pierre J. LeLanda (LeLanda) is the fiance of Clejan.

(b) Upon information and belief, LeLanda and Clejan have been living together at the plaintiff, Lawrence's, homes in New York City and Southampton, N. Y. since sometime in 1971.

(c) The defendant, Eugene Leytess ("Leytess") is

WEISMAN'S AMENDED COMPLAINT

the stepfather of the defendant, LeLandaïs.

(d) The defendants Nicholas Doman ("Doman") and Sheila Maura Kahoe ("Kahoe") are the attorneys for LeLandaïs, Clejan and Leytess.

COUNT I

5. Sometime in or about 1971, LeLandaïs and Clejan entered into a conspiracy to extort money and property from the plaintiffs, Lawrence, Harry and Belle, by means of theft of marketable securities belonging to said plaintiffs, trespass, threat of criminal prosecution and criminal prosecution itself, threats of false arrest and false arrest, threats of injury to plaintiff, Lawrence's, infant son, James, perjury, malicious prolongation of criminal prosecution by false representations to various prosecuting authorities in Connecticut, New York City and Suffolk County and other illegal and criminal means, as well as my slander and libel.

6. Upon information and belief, the defendant Leytess has joined said conspiracy by financing the same through his attorneys, defendants Doman and Kahoe.

7. In November 1971, the plaintiff Lawrence owned approximately \$150,000 worth of marketable securities consisting of 1100 shares of Armco Steel common stock and \$76,000 of subordinated convertible 6-1/2% debentures of American Pacific Group. Said securities were and are pledged at that time to

WEISMAN'S AMENDED COMPLAINT

the plaintiffs Harry and Belle. Said securities were held for said plaintiff by Manufacturers Hanover Trust Company (Manufacturers).

8. Pursuant to said conspiracy, Clejan, contrary to the banking laws of the United States, the Securities and Exchange Act of 1934, and the Securities Act of 1933, procured possession of said securities by fraudulently representing to officers of Manufacturers that she was obtaining said securities for the plaintiff Lawrence when, in fact, she was obtaining said securities pursuant to said conspiracy to the purpose of defrauding the plaintiffs.

9. The plaintiffs have been deprived of said securities since 1971 by the action of the defendants LeLanda and Clejan.

COUNT II

10. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 9 as fully as if the same were set forth at length herein.

11. In 1972, the defendant Clejan declared herself trustee for said securities for the benefit of plaintiff James.

12. In breach of trust and in violation of her fiduciary duties, pursuant to said conspiracy, and contrary to the Securities Act of 1933, the Securities Exchange Act of 1934, 15 U.S.C., Sec. 77(q), Sec. 78 (j)(b) and the Banking Laws of

WEISMAN'S AMENDED COMPLAINT

the United States 18 U.S.C. Sec. 2113(a)(b)(c), the defendant Clejan has attempted to claim title to said securities and has converted said securities to her own benefit contrary to said declaration of trust.

COUNT III

13. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 12 as fully as if the same were set forth at length herein.

14. Under Sec. 235 of the Domestic Relations Law of the State of New York, pretrial pleadings in a matrimonial case are confidential documents not subject to disclosure except upon an explicit order of court.

15. In 1972, the defendant thereunder filed extensive papers in the New York Supreme Court containing allegations which were untrue or partially true and which were embarrassing to the plaintiffs Lawrence, Harry and Belle.

16. Pursuant to said conspiracy, without a court order, contrary to Sec. 235 of the New York Domestic Relations Law, defendant Clejan directly and through her agents, servants and employees libeled, slandered and embarrassed the plaintiffs Lawrence, Harry and Belle by publishing her pretrial divorce pleadings in various newspapers in the Baltimore-Washington area, and, upon information and belief, elsewhere.

WEISMAN'S AMENDED COMPLAINT

COUNT IV

17. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 16 as fully as if the same were set forth at length herein.

18. Pursuant to said conspiracy and in violation of the Penal Law of New York Sec. 155.05(e), as well as 28 U.S.C. Secs. 876, 1951 and 1952(b) (which incorporated state extortion statutes into federal law), the defendants LeLandaïs and Clejan threatened the plaintiff Lawrence with criminal prosecution and injury to his infant son, the plaintiff James, unless large sum of money and property were paid by the plaintiffs Lawrence, Harry and Belle to the defendant Clejan for the benefit of Clejan and LeLandaïs.

19. As part of said threats, defendants Clejan and LeLandaïs, said defendants trespassed at the former homes of the plaintiff Lawrence in New York City and Lyme, Connecticut, made harassing telephone calls to Lawrence, Harry and Belle, and engaged in various other illegal acts of vandalism and harassment directed at the plaintiffs.

20. Said threats of criminal prosecution and personal injury to James were made by use of the instrumentalities of interstate commerce including the United States mails and telephone calls between various states including New York, Maryland, Connecticut, Colorado, Vermont and Hawaii.

WEISMAN'S AMENDED COMPLAINT

21. Said threats by the defendants LeLandaïs and Clejan were actually carried out in that:

(a) LeLandaïs and Clejan instigated, and one or the other was the complaining witness, in five separate criminal actions brought against the plaintiff Lawrence in the City of New York and in Suffolk County, New York, between November 5, 1972 and August 1973.

(b) After instituting said criminal proceedings, the defendants LeLandaïs and Clejan offered to dismiss said criminal proceedings forthwith upon the payment of large sums of money and the transfer of large amounts of real and personal property by the plaintiffs to said defendants.

(c) The defendants Clejan and LeLandaïs did, in fact, cause injury to the plaintiff James, who is three years old.

(d) Contrary to the penal laws of the State of New York and of the United States, the defendants entered into alleged agreements to dismiss said various criminal actions in return for the payment of money.

22. Despite said alleged agreements of the defendants Clejan and LeLandaïs, they failed to dismiss said criminal proceedings but, on the contrary, from January to August 1973 insisted

WEISMAN'S AMENDED COMPLAINT

upon the prosecution of said criminal proceedings.

23. Pursuant to said conspiracy and in violation of 28 U.S.C. Sec. 876, 1951 and 1952(b), as well as Sec. 155.05(c) of the Penal Law of New York, the defendant Clejan seeks in a proceeding filed subsequent to this case to enforce a so-called "separation agreement" which she allegedly made in December 1972 where she "agreed to drop charges against the defendant in several criminal actions" and where she alleges that "other criminal charges against Lawrence Weisman have also been dropped, pursuant to the separation agreement."

24. Pursuant to said conspiracy, defendant Clejan received large sums of money pursuant to the said extortionate alleged agreement.

25. Regardless of the merits of said five criminal proceedings, said alleged agreement is void under 28 U.S.C. Sec. 1952 in that it is an agreement to obtain property by use of interstate commerce to extort money from plaintiff with alleged consent by wrongful use of fear of criminal prosecution and physical harm to James. Said alleged agreement is void as a violation of 28 U.S.C. Sec. 876 and Sec. 155.05 of the Penal Law of the State of New York.

COUNT V

26. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 25 as fully as if the same

WEISMAN'S AMENDED COMPLAINT

were set forth at length herein.

27. Pursuant to said conspiracy, on November 5, 1972, before Lawrence became the custodian of James, while Lawrence was exercising visitation rights granted to him by the New York Supreme Court, and in order to thwart said visitation and further said conspiracy, defendant Clejan and LeLanda, acting under color of law and in violation of 42 U.S.C. Sec. 1983 and 28 U.S.C. Sec. 1343(3) and Sec. 1331 caused the illegal arrest, detention and beating of plaintiff Lawrence by the police of Southampton, New York, and Hampton Bays, New York.

28. Clejan and LeLanda, falsely accused plaintiff Lawrence of having a gun and threatening them with a gun.

29. Clejan and LeLanda falsely accused plaintiff Lawrence of pointing a gun at said police.

30. Clejan and LeLanda continue to make said false charges orally and in writing, thus slandering and libeling plaintiff Lawrence.

31. After a thorough search, said police found no gun and demanded that LeLanda and Clejan dream up a new charge to justify their false arrest.

32. To aid said police cover up said false arrest, Clejan and LeLanda then falsely charged that plaintiff Lawrence was wanted in New York City on a fugitive warrant.

33. Pursuant to said fugitive charge, plaintiff

WEISMAN'S AMENDED COMPLAINT

Lawrence was held under color of law without bail for several hours until said police again verified that said charge was groundless.

34. Acting in concert with said police, under color of law, Clejan and LeLandais finally caused Lawrence to be arrested on a charge of harassment.

35. Said arrests and illegal detention occurred while plaintiff Lawrence was traveling in interstate commerce in the navigable waters of the United States between Connecticut and New York.

36. Despite said alleged agreement of the defendant Clejan to drop all criminal charges, although plaintiff demanded that she do so, Clejan persisted in maintaining said criminal charges.

37. Finally, on May 16, 1973, the Family Court of Suffolk County, to which said charge of harassment had been transferred, dismissed said charge for failure of the parties to appear.

38. Said charges involving illegal possession and use of a weapon, violation of a fugitive warrant and harassment were made under color of law to deprive plaintiff Lawrence of his freedom in violation of the Civil Rights Acts of the United States without probable cause and for the purpose of furthering said conspiracy.

WEISMAN' AMENDED COMPLAINT

COUNT VI

39. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 38 as fully as if the same were set forth at length herein.

40. On November 7, 1972, defendants LeLandais and Clejan, acting under color of law, and in pursuance of said conspiracy, caused the New York City Police to arrest and detain plaintiff for approximately eighteen hours on assault of Clejan's eleven year old son.

41. Said arrest was made without a warrant and by means of an unlawful search and seizure of plaintiff Lawrence's former residence at 57 East 73rd Street, New York City in violation of the Civil Rights Laws of the United States and the Constitution of the United States.

42. Defendant LeLandais, acting in concert with said New York City police and Clejan gave said police a key to the apartment building at 57 East 73rd Street so that said police could make said illegal entry and arrest.

43. Contrary to the representations of defendant Clejan that she made and carried out an agreement to drop all criminal actions in December 1972, pursuant to said conspiracy, in January 1973, Clejan represented to the Criminal Court of New York City that she had not made any such agreement and insisted upon prosecution of said assault.

WEISMAN'S AMENDED COMPLAINT

44. On January 16, 1972, after numerous hearings, in the interest of justice, and over the objections of Clejan, the Criminal Court of New York City found that Clejan was maintaining said assault actions for the purpose of intimidating plaintiff Lawrence, and dismissed said case for lack or probable cause and for improper conduct by Clejan.

COUNT VII

45. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 44 as fully as if the same were set forth at length herein.

46. On or about October 27, 1972, pursuant to said conspiracy, Clejan, acting under color of law, swore out a warrant for the arrest of plaintiff on yet another assault charge.

47. Pursuant to this charge Lawrence was again arrested by the New York City police.

48. This case was transferred to the Family Court of New York City in December 1972.

49. Despite the alleged agreement of Clejan to drop all criminal charges, from January 1973 through August 1973, she made numerous appearances in the Family Court during which she denied the existence of any such agreement, refused to dismiss said criminal charges, requested and received numerous adjournments on false or improper allegations that she was going to

WEISMAN'S AMENDED COMPLAINT

Europe or could not find her witnesses or that she was changing counsel.

50. Finally in August 1973, said proceeding in the Family Court of New York was dismissed by the Court.

COUNT VIII

51. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 50 as fully as if the same were set forth at length herein.

52. In or about July 8, 1973, when said case was called in the Family Court of New York City, plaintiff, Lawrence, after waiting all morning for the case to be called, went to the men's room of the Family Court.

53. Despite her alleged agreement in December 1972 to drop all criminal charges against said plaintiff, Clejan, who saw Lawrence in court, falsely and maliciously told the court that Lawrence was not present in court, causing Lawrence to be arrested once again for alleged violation of parole.

54. The charge of violation of parole was also dismissed by the Family Court when the main case was dismissed in August 1973.

COUNT IX

55. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 54 as fully as if the same were set forth at length herein.

WEISMAN'S AMENDED COMPLAINT

56. In or about December 1972, pursuant to said conspiracy, LeLanda is caused the New York City police to arrest plaintiff Lawrence on a charge that on November 6, 1972 and November 7, 1972, said plaintiff made harassing telephone calls to LeLanda is.

57. Said charges were false and groundless.

58. Despite the order of the Criminal Court of New York City that an immediate trial take place in December 1972, LeLanda is obstructed said trial by numerous ruses perpetrated on the law enforcement authorities of New York City including:

(a) In December 1972, LeLanda is represented to said court that he would be away from New York until January 8, 1973. In fact, LeLanda is chose January 8, 1973 because that was the date scheduled for the hearing of the Clejan instigated complaint set forth in Count VI supra.

(b) Throughout January 1973, LeLanda is failed to appear at scheduled hearings in said case, giving the Criminal Court fictitious excuses for non-appearance.

(c) On the occasion of each of said scheduled trial dates, plaintiff Lawrence was forced to appear in court and spend all day waiting with six witnesses until the case was called and postponed on the basis of LeLanda is' fictitious excuses.

WEISMAN'S AMENDED COMPLAINT

59. On or about February 5, 1973, said case was dismissed for failure of LeLandaïs once again to appear in court.

COUNT X

60. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 59 as fully as if the same were set forth at length herein.

61. As a result of the harassment, false arrests, slander, libel and extortion practiced by Clejan and LeLandaïs, plaintiff Lawrence was deprived of his civil rights, and suffered various damage including but not limited to:

(a) His liberty was restricted by the terms of parole imposed upon him.

(b) He was subjected to beatings, maltreatment and humiliation at the hands of said various police authorities.

(c) While incarcerated, he was denied medical care.

(d) His credit was, and is, impaired by reason of the necessity of listing all of said criminal charges on any credit or employment application.

(e) His health was impaired by the stress created by said conspiracy resulting in serious illness in August 1973.

(f) He has been put to great expense to defend

WEISMAN'S ADMENDED COMPLAINT

said five malicious criminal actions.

COUNT XI

62. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 61 as fully as if the same were set forth at length herein.

63. Pursuant to said conspiracy, LeLanda is has converted and used without payment to plaintiff the real and personal property belonging to plaintiffs at 131 East 71st Street, New York, N.Y. and in Southampton, New York.

64. Defendants are liable to plaintiffs for the fair value and/or fair rental of said property.

COUNT XII

65. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 64 as fully as if the same were set forth at length herein.

66. In August 1971, plaintiff Lawrence purchased the property at 131 East 71st Street, New York, New York for \$325,000. Lawrence supplied all of the consideration for said purchase.

67. For convenience, but without any intention of making a gift to Clejan, Lawrence took title to said property in the joint names of Clejan and Lawrence.

68. Plaintiff, Lawrence, is entitled to a declaratory judgment that the entire interest in said property belongs to him.

WIESMAN'S AMENDED COMPLAINT

COUNT XIII

69. Plaintiffs repeat and reallege each and every allegation of paragraph 5 through 68 as fully as if the same were set forth at length herein.

70. In December 1972, plaintiffs Harry and Belle and one Rosemary Franciscus took a mortgage of \$90,000 plus interest on the interest of Lawrence in 121 East 71st Street.

71. Said plaintiffs now have the opportunity to sell said mortgage which they wish to do.

72. Defendant Clejan has claimed that she is the sole owner of 121 East 71st Street and that said mortgage is invalid.

73. Said plaintiffs are entitled to a declaratory judgment that said mortgage in the amount \$90,000 is valid.

COUNT XIV

74. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 73 as fully as if the same were set forth at length herein.

75. Defendants Clejan and LeLandais claim certain rights against plaintiffs by reason of an alleged agreement (erroneously called a "separation agreement").

76. Said alleged agreement is void in that it was never made, in that, if made, it was never properly released from escrow, never approved by a court (as required by its terms), in that its terms are based upon extortion and violation of

WEISMAN'S AMENDED COMPLAINT

various statutes of the United States and of New York, in that it was repudiated by Clejan as aforesaid, and for other reasons.

77. Plaintiffs are entitled to a declaratory judgment holding that Clejan and LeLanda is obtained no rights under said alleged agreement and that it is void.

COUNT XV

78. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 77 as fully as if the same were set forth at length herein.

79. Said actions of the defendants LeLanda is and Clejan, in addition to being violations of said statutes of the United States give rise to common law rights for deceit, defamation, conversation, false arrest, abuse of civil and criminal process and breach of contract.

COUNT XVI

80. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 79 as fully as if the same were set forth at length herein.

81. Upon information and belief, the defendant, Leytess joined said conspiracy by providing the financial backing by which it has continued down to the present time.

COUNT XVII

82. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 81 as fully as if the same were set forth at length herein.

WEISMAN'S AMENDED COMPLAINT

83. Defendants Doman and Kahoe joined said conspiracy by engaging in abuse of civil process and fraud.

84. In June 1974, by use of the interstate telephone, defendant Doman caused plaintiff Lawrence to come to his office at 295 Madison Avenue, New York, New York for the ostensible purpose of settlement negotiations.

85. When said plaintiff arrived at Doman's office, Doman immediately caused said plaintiff to be served with civil process on behalf of defendants Clejan and LeLanda. Said actions were fraudulent.

86. In said civil suit, Doman and Kahoe have knowingly, maliciously and falsely alleged that pursuant to an alleged 1972 agreement, defendant Clejan dismissed several criminal actions when it was known to said defendants Doman and Kahoe and was a matter of public record that such dismissals did not take place.

87. Doman and Kahoe brought said actions solely for the purpose of harassment and for the purpose of furthering a criminal conspiracy which is admitted by them in said suit papers.

COUNT XVIII

88. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 87 as fully as if the same were set forth at length herein.

WEISMAN'S AMENDED COMPLAINT

89. From time to time from 1971 to the present, defendants LeLandaïs and Clejan have defamed plaintiff Lawrence by repeating the false and malicious charges contained in their criminal complaints orally and in writing. In or about April 1974, defendant Clejan, pursuant to said conspiracy, falsely told one Louis Etkin, an agent of the United States Internal Revenue Service, who was auditing the 1970 federal tax return of Clejan and plaintiff, Lawrence, that Lawrence had fraudulently taken a "casualty loss" for damage to his boat which Clejan falsely alleged Lawrence had "deliberately sunk".

COUNT XIX

90. Plaintiffs repeat and reallege each and every allegation of paragraphs 5 through 89 as fully as if the same were set forth at length herein.

91. In addition to bringing the criminal charges set forth in Count IX for the purpose of furthering said conspiracy, the defendant LeLandaïs brought said charges for the purpose of preventing the plaintiff Lawrence from bringing civil action against him for false arrest and abuse of criminal process.

WHEREFORE, plaintiffs pray for judgment as follows:

1. Damages in the amount of \$5,000,000, together with reasonable attorneys fees, interest, cost and disbursement.
2. A declaratory judgment declaring that the mortgage to Harry Weisman and Belle Weisman of \$90,000 in 121 East 71st

WEISMAN'S AMENDED COMPLAINT

Street is valid.

3. A declaratory judgment declaring that plaintiff Lawrence Weisman is the sole owner of 121 East 71st Street.
4. A declaratory judgment declaring the alleged agreement of December 1972 void.

5. And for such other and further relief as may be deemed just and proper.

Dated: Brooklyn, New York
July 11, 1974

LAWRENCE I. WEISMAN
Attorney for Plaintiffs
750 Pacific Street
Brooklyn, New York 11238
622-2601 (212)

FRANCISCUS
AMENDED COMPLAINT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

ROSEMARY T. FRANCISCUS,

Plaintiff,

: 74 Civ 3146 (CES)

- against -

PIERRE J. LEIANDAIS and SHEILA C.
WEISMAN,

Defendants.

- - - - - x

Plaintiff, Rosemary T. Franciscus, by Lawrence I. Weisman, her attorney, complaining of the defendants herein allege the following:

JURISDICTION

1. As provided in 28 U.S.C. Sec. 1332, jurisdiction of this Court is based upon complete diversity of citizenship between the plaintiff and defendants as set forth below. The amount in controversy is in excess of \$10,000 exclusive of interest and costs.

2. Jurisdiction of this Court is also founded upon various statutes of the United States including the Civil Rights Act of the United States, 42 U.S.C. Sec. 1983, 28 U.S.C. Sec. 1343(3) and 1331 and 28 U.S.C. Sec. 876, 1951, 1952(b). Jurisdiction is also based upon federal statute prohibiting the making of annoying or harassing telephone calls. Jurisdiction is also based upon the admiralty jurisdiction of this Court in

FRANCISCUS' AMENDED COMPLAINT
that certain of the acts herein alleged occurred on the navi-
gable waters of the United States, namely, Long Island Sound.

PARTIES

3. The plaintiff is a citizen and resident of the State of Maryland. She brings this action on her behalf and on behalf of her children who are citizens and residents of Maryland, but who attend boarding school in England.

4. The defendant Sheila Clejan Weisman (Clejan) is the estranged wife of Lawrence I. Weisman (Weisman). She is the fiance of the defendant Pierre J. LeLandaïs (LeLandaïs). She variously uses the aliases of "Mrs. Clejan" of "Mrs. LeLandaïs".

5. The defendants are citizens and residents of the State of New York.

COUNT I

6. The plaintiff, together with Harry Weisman and Belle Weisman, holds a mortgage in the amount of \$90,000 plus interest on the interest of Lawrence I. Weisman in 121 East 71st Street, New York New York, which mortgage is due on or about December 31, 1974.

7. The defendant, Clejan, pursuant to the conspiracy with defendant LeLandaïs and others described below, has claimed that said mortgage is invalid and that she owns either a half interest or a whole interest in said property unencumbered by plaintiff's said mortgage.

8. Plaintiff has a customer who is willing to pur-

FRANCISCUS' AMENDED COMPLAINT

chase said mortgage from her, but she cannot sell it absent a determination as to the extent of her interest in said property.

9. Plaintiff is entitled to a declaratory judgment that she and her co-holders of said mortgage hold a mortgage on the entire equity in 121 East 71st Street and that despite the claims of Clejan, they are entitled to sell said mortgage or collect the same.

COUNT II

10. Plaintiff repeats and realleges each and every allegation of paragraphs 6 through 9 as fully as if the same were set forth at length herein.

11. Defendants entered into an extortion conspiracy, in violation of the laws of the United States and the common law of the applicable states, all as set forth in the amended complaint in Lawrence I. Weisman et al v. Pierre J. LeLanda et al. (Eastern District of New York 74Civ717 (JFD) (transferred to this district), copy of which is attached hereto, made a part hereof, and marked Exhibit A.

12. Said conspiracy was directed at the plaintiff as well as the plaintiffs in said companion case.

13. Pursuant to said conspiracy, on November 5, 1972, defendant Clejan threatened to cause the unlawful arrest of the plaintiff.

14. Pursuant to said conspiracy, the defendants interfered with plaintiff's right of interstate travel and

FRANCISCUS' AMENDED COMPLAINT

eventually took certain actions which caused the sinking of a motorboat in which plaintiff was a passenger on the navigable waters of the United States, namely, Long Island Sound. As a result of said shipwreck, the plaintiff suffered physical injury and property damage.

COUNT III

15. Plaintiff repeats and realleges each and every allegation of paragraphs 6 through 14 as fully as if the same were set forth at length herein.

16. For purposes of extortion and in violation of the plaintiff's civil rights, the defendants caused the plaintiff's arrest on November 7, 1972 by the New York City police by making outlandish, untrue, and malicious charges against the plaintiff.

17. On or about January 16, 1973, the Criminal Court of New York City, over the objection of the defendant Clejan, dismissed said charges in the interest of justice, finding that Clejan was using the threat of criminal prosecution for the purpose of intimidating the plaintiff and finding that defendant's charges were exaggerated and unprovable.

COUNT IV

18. Plaintiff repeats and realleges each and every allegation of paragraphs 6 through 17 as fully as if the same were set forth at length herein.

19. Defendants participated in said arrest of the plaintiff by the New York City police.

FRANCISCUS' AMENDED COMPLAINT

20. Defendants provided said New York City police with a key to open an apartment building at 57 East 73rd Street, New York City where plaintiff maintained a temporary residence.

21. With the connivance of the defendants, the New York City police made a warrantless break in at said apartment, contrary to the Constitution and laws of the United States.

22. Because of the wild and untrue charges made by defendants, plaintiff was subjected to various forms of police intimidation and brutality including:

a. Plaintiff, who had never been arrested before, was dragged into the streets of New York with virtually no clothing under handcuffs on a bitter cold night.

b. Plaintiff was forced to parade in front of the defendants in such condition at the 19th Precinct Police Station in New York, where the defendants, dressed in evening clothes were permitted to rejoice over plaintiff's humiliation.

c. Plaintiff was taken to various hospitals and police precincts throughout New York City until she was deposited in the rooms under conditions of unspeakable cruelty.

d. Plaintiff was forced to mingle with prisoners having homosexual and homicidal proclivities in her unclad condition for approximately twelve hours until

FRANCISCUS' AMENDED COMPLAINT

a friend learned of her arrest and was finally allowed to bring her clothes.

e. Because of the objection of the defendant Clejan, plaintiff was denied bail for an additional 24 hours, during which she was incarcerated on Riker's Island where she was denied needed medical care, where she was put in solitary confinement.

f. Because of numerous hearings and the terms of her parole, the plaintiff and her children were substantially deprived of each other's company during the children's Christmas 1972 holidays.

COUNT V

23. Plaintiff repeats and realleges each and every allegation of paragraphs 6 through 22 as fully as if the same were set forth at length herein.

24. As part of said conspiracy, the defendants have regularly invaded plaintiff's places of residence by such means as various acts of vandalism committed at 57 East 73rd Street, trespass at her residence located at Lyme, Connecticut and harassing telephone calls, contrary to the laws of the United States.

COUNT VI

25. Plaintiff repeats and realleges each and every

FRANCISCUS' AMENDED COMPLAINT

allegation of paragraphs 6 through 24 as fully as if the same were set forth at length herein.

26. As part of said conspiracy, defendants have slandered and libeled plaintiff by making false allegations of crime against, by making false allegations of mental illness against, and by illegally publishing without an order of court unsubstantiated matrimonial pleadings in which certain allegations are made against plaintiff.

WHEREFORE, plaintiff prays for judgment as follows:

1. Damages in the amount of \$5,000,000, together with reasonable attorneys fees, interest, costs and disbursements.
2. A declaratory judgment declaring that the mortgage of \$90,000 on 121 East 71st Street is valid and attaches to the entire equity in the property.
3. And for such other and further relief as may be deemed just and proper.

Dated: Brooklyn, New York
August 2, 1974

LAWRENCE I. WEISMAN
Attorney for Plaintiff
750 Pacific Street
Brooklyn, New York 11238
212-622-2601

DEFENDANTS' NOTICE OF MOTION TO DISMISS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT - NEW YORK

-----x
LAWRENCE I. WEISMAN, on his own behalf :
and on behalf of JAMES L. WEISMAN,
HARRY WEISMAN and BELLE WEISMAN, : 74 Civ 3145 (CES)

Plaintiffs, :

- against - :

PIERRE J. LELANDAIS, SHEILA CLEJAN :
WEISMAN, EUGENE LEYTESS, NICHOLAS
R. DOMAN and SHEILA MAURA KAHOE, :

Defendants. :

-----x
TO: Lawrence I. Weisman, Esq.
Attorneys for Plaintiffs
750 Pacific Street
Brooklyn, N.Y. 11238

PLEASE TAKE NOTICE, that upon the annexed affidavit of SHEILA MAURA KAHOE and upon the annexed affidavit of NICHOLAS R. DOMAN, and Memorandum of Law, the undersigned will move this court, at Room 506 of the United States Courthouse, Foley Square, New York, New York on the 6th day of August, 1974, at 4:30 o'clock in the afternoon or as soon thereafter as counsel can be heard for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure for the following relief:

1. To dismiss the action as to the defendant LeLandaïs, because the complaint fails to state a claim against the defendant upon which relief can be granted.
2. To dismiss the action as to the other named de-

DEFENDANTS' NOTICE OF MOTION TO DISMISS

fendants on the ground that the court lacks personal jurisdiction over the other named defendants in that no summons was ever issued as to those defendants, or in the alternative to dismiss the complaint against these defendants for failure to state a cause of action.

3. To dismiss the complaint against all of the parties on the ground that the action is frivolous and not brought in good faith.

Dated: New York, New York
July 26, 1974

Yours etc.

DOMAN & BEGGANS

Attorneys for Defendants
295 Madison Avenue
New York, N.Y. 10017
(212) 889-3700

by: Sheila Maura Kahoe

SUPPORTING AFFIDAVIT OF S. M. KAHOE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT - NEW YORK

- - - - - x

LAWRENCE I. WEISMAN, on his own behalf :
and on behalf of JAMES L. WEISMAN,
HARRY WEISMAN and BELLE WEISMAN, :
Plaintiffs, : 74 Civ 3145 (CES)

- against - :
- - - - - x

PIERRE J. LELANDAIS, SHEILA CLEJAN :
WEISMAN, EUGENE LEYTESS, NICHOLAS
R. DOMAN and SHEILA MAURA KAHOE, :
Defendants. :
- - - - - x

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

SHEILA MAURA KAHOE, being duly sworn deposes and says:

1. I am associated with DOMAN & BEGGANS, attorneys for the defendants and am fully familiar with the facts and circumstances surrounding this action. I make this affidavit in support of the defendants' motion to dismiss the complaint, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

2. The defendant in this case has purported to serve an amended complaint. The original complaint was filed in the Eastern District of New York and has been transferred to this court. A copy of the original complaint is annexed hereto and marked EXHIBIT "A". The original complaint names only LeLandais as a defendant. The so-called amended complaint adds both additional plaintiffs and defendants.

SUPPORTING AFFIDAVIT OF S. M. KAHOE

3. The defendant delivered a copy of this amended complaint to our office on the 12th day of July, 1974. A copy of the amended complaint is annexed hereto and marked EXHIBIT "B". No summons has been issued from this court as to Nicholas R. Doman or Sheila Maura Kahoe or upon information and belief as to Sheila Clejan Weisman. The only defendant properly before this court and over whom this court has acquired personal jurisdiction is the defendant LeLanda.

4. As shown by the accompanying Memorandum of Law, the complaint fails to state a cause of action and is defective on its face and should be dismissed.

5. No prior application has been made for the relief herein requested.

WHEREFORE, the complaint should be dismissed for failure to state a cause of action.

SHEILA MAURA KAHOE

(Sworn to July 29, 1974)

SUPPORTING AFFIDAVIT OF N. R. DOMAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-x

LAWRENCE I. WEISMAN, on his own behalf :
and on behalf of :
JAMES L. WEISMAN, HARRY WEISMAN and :
BELLE WEISMAN, : 74 Civ. 3145 (CES)

Plaintiffs,

:

- against -

:

PIERRE J. LELANDAIS, SHEILA CLEJAN WEISMAN,
EUGENE LEYTESS, NICHOLAS DOMAN and :
SHEILA MAURA KAHOE,

:

Defendants.

-x

STATE OF NEW YORK)
ss.:
COUNTY OF NEW YORK)

NICHOLAS R. DOMAN, being duly sworn, deposes and says:

1. I am a named defendant in the action herein, together with Sheila Maura Kahoe, of my firm, Doman & Beggans. One copy only of the complaint, without a summons, was delivered by hand by a woman to our switchboard operator. This woman refused to identify herself.

Neither Miss Kahoe nor I ever saw or spoke to or had any dealings with James L. Weisman, Harry Weisman and Belle Weisman, on whose behalf Lawrence I. Weisman, a member of the New York Bar, claims to be bringing this action. No trace of summonses naming James L. Weisman, Harry Weisman and Belle Weisman as plaintiffs could be located, nor any authorization to Lawrence I.

SUPPORTING AFFIDAVIT OF N. R. DOMAN

Weisman (hereinafter "Lawrence") to sue on behalf of other parties. No summons was attempted to be served on either me or on Miss Kahoe and, upon information and belief, on Sheila Clejan Weisman either. Apparently Lawrence improperly and abusively inserts names of parties without their consent and has pleadings served without first acquiring jurisdiction over the parties served.

2. The first time Sheila Clejan Weisman came to our office was in December 1973, during my absence when she first met Miss Kahoe. I first met her in the office in January 1974, together with Pierre J. LeLandais.

3. Counts I through XVI plead acts of conspiracy and other matters, all of which took place prior to December 1973.

4. Count XVII is the only count mentioning Miss Kahoe and myself, claiming that we are members of the alleged conspiracy against the named plaintiffs by Sheila Clejan Weisman and Pierre J. LeLandais. It fails to set forth facts constituting any cause of action.

5. Beginning with April of May 1974 and continuing through June 27, 1974 plaintiff Lawrence called me at my office about a dozen times. Since he was the attorney of record in a number of cases which he started against our client, Pierre J. LeLandais, or our client, Sheila Clejan Weisman, either in his own name or in the name of relatives, friends or corporate

SUPPORTING AFFIDAVIT OF N. R. DOMAN

entities controlled or owned by him, beginning with the end of 1973, I had no choice but to talk to him when he telephoned. I have no knowledge from where these calls have come. When I was absent from the office or engaged, I returned his calls when he asked me to return them, to his telephone number listed on his legal papers, to wit: 212-622-2601.

6. I had an investigation made in my office to determine whether any calls were made to Lawrence outside of the State of New York. Such investigation, as reported to me, has failed to disclose a single telephone call and conversation with Lawrence made by me or anyone on my behalf to Lawrence to a place outside of the State of New York.

7. Lawrence has asked to see me in my office on at least two occasions. During the week of June 10th, after our first meeting, he asked me for another meeting for lunch. I told him that my first available date would be June 24th and thereafter June 27th. He chose June 27 and told me he would meet me at my office. On or about June 21 he called me again and asked me whether we would not advance the date of our meeting and our lunch to the 24th. I told him that, in the meantime, I had made other engagements for the 24th but the time on June 27th was still reserved as at his request. He advised me that he would be in my office on that day. Therefore the statement in paragraph 84 of the amended complaint dated July 11, 1974 that I had caused

SUPPORTING AFFIDAVIT OF N. R. DOMAN

him, a New York attorney, to come to my office or to New York is incorrect.

8. As set forth in the accompanying memorandum, plaintiff Lawrence fails to state a cause of action, with the bare allegations that the actions started on June 27th for consolidation of the many actions against his wife and Mr. LeLanda is and for injunction against these two persons on the same matters were fraudulent. The allegations do not amount to a valid cause of action even if the fact recited therein were true.

9. Neither Miss Kahoe, nor I, had anything to do with any of the criminal actions referred to in paragraph 86 and represented no party in any of these alleged actions in 1972 or thereafter. I have not been in any criminal court to examine any of the records in the criminal actions and the limited knowledge I have about these actions is based upon discussions with our two clients, which discussions incidentally took place at the specific request of Lawrence.

10. Lawrence called me on the telephone again on July 25th, yesterday. When I asked him from where he was calling, he refused to state his location. He told me that he would withdraw the action against Miss Kahoe and me if we persuaded his wife, Sheila Clejan Weisman, to settle the matrimonial litigation pursuant to the terms dictated by him, to wit: waiving of back alimony and child support, waiving of future alimony

SUPPORTING AFFIDAVIT OF N. R. DOMAN

and child support, and his wife giving him a tax deduction for his transfer of his interest in a piece of real estate in Manhattan held by them as husband and wife. I told Lawrence that he or his counsel in the matrimonial litigation should negotiate in this respect with Irving Erdheim, Esq., the attorney for his wife in that action, and that, not being his wife's attorney, I have neither the power nor the desire to get involved in the matrimonial litigation. Lawrence then repeated that he would not withdraw the actions against my associate, Miss Kahoe, and myself and would not withdraw any other action except on condition that we bring about a settlement pursuant to the terms desired by him. By his own admission Lawrence I. Weisman is using the process of this Court to accomplish an ulterior purpose.

WHEREFORE, your deponent respectfully requests that this Court grant the defendants' motion to dismiss the complaint.

Nicholas R. Doman

(Sworn to July 26, 1974)

DEFENDANTS' NOTICE OF MOTION TO DISMISS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT - NEW YORK

ROSEMARY T. FRANCISCUS, :

Plaintiff, :
-- against -- : 74 Civ 3146 (CES)

PIERRE J. LELANDAIS and
SHEILA CLEJAN WEISMAN,

Defendants.

TO: Lawrence I. Weisman
Attorney for Plaintiff
750 Pacific Street
Brooklyn, New York 11238

PLEASE TAKE NOTICE, that the undersigned will bring
on the annexed motion for hearing before this court at Room 506,
of the United States Courthouse, Foley Square, City of New York
on the 6th day of August, 1974, at 4:30 o'clock in the forenoon
of that day, or as soon thereafter as counsel can be heard.

DOMAN & BEGGANS

Attorneys for Defendants
295 Madison Avenue
New York, New York 10017
(212) 889-3700

by: Sheila Maura Kahoe

SUPPORTING AFFIDAVIT OF SHEILA M. KAHOE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT - NEW YORK

-----x

ROSEMARY T. FRANCISCUS, :
Plaintiff, :
- against- :
PIERRE J. LELANDAIS and :
SHEILA CLEJAN WEISMAN, :
Defendants.
----- x

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

SHEILA MAURA KAHOE, being duly sworn deposes and says:

1. I am associated with DOMAN & BEGGANS, attorneys for defendant Pierre J. LeLandais and am fully familiar with the facts and circumstances surrounding this action.

2. I make this affidavit in support of defendant LeLandais' motion to dismiss the complaint, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

3. A motion to dismiss in this case was originally made in the Eastern District of New York. The case was brought in the Eastern District of New York as Index No: 74 Civ 811. Originally the motion to dismiss was to have been heard on the 17th day of July, 1974. However, prior to that time the defendant sought to transfer this and a companion case to the Southern District of New York. The plaintiff did not object and an order was entered on the 12th day of July, 1974, trans-

SUPPORTING AFFIDAVIT OF SHEILA M. KAHOE

ferring the case to the Southern District of New York. A copy of said order is attached hereto and marked Exhibit "A".

4. Attached hereto and marked Exhibit "B" is the original motion together with the supporting papers. It is the understanding of your deponent that the file transferred from the Eastern District of New York contains the original motion papers. However, for the convenience of the court, a full set of the motion papers are attached hereto.

WHEREFORE it is respectfully submitted that this cause of action should be dismissed together with costs, disbursements and reasonable attorneys fees.

Sheila Maura Kahoe

(Sworn to July 23, 1974)

DEFENDANTS' STATEMENT IN LIEU OF MEMORANDUM OF LAW

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT - NEW YORK

----- x

ROSEMARY T. FRANCISCUS, :

Plaintiff, : 74 Civ 3146 (CES)
- again - :

PIERRE J. LELANDAIS and SHEILA C. :
WEISMAN

Defendants.

----- x

SHEILA MAURA KAHOE, an attorney for defendant Pierre J. LeLandaïs, states as follows:

1. A motion to dismiss in this case has been made returnable on the 6th day of August, 1974, at the same time, an identical motion in the companion case entitled Weisman, et al v. LeLandaïs et al, 74 Civ 3145.

2. The facts and issues in the two cases are virtually identical.

3. In order to save this court's time, a Memorandum of Law is being submitted in the companion case designated 74 Civ 3145. The court is respectfully referred to that Memorandum as being applicable to the issues of fact and law in this case and should be submitted in this case as fully set forth herein.

Dated: New York, New York
July 26, 1974

DOMAN & BEGGANS
Attorneys for Defendants
295 Madison Avenue
New York, New York 10017
(212) 889-3700

WEISMAN
"ORDER" OF UNITED STATES DISTRICT COURT

Motion granted. The complaint is
dismissed.

SO ORDERED.

March 10, 1975

S/ CHARLES E. STEWART, Jr.

U.S.D.J.

(Filed U.S. District Court March 12, 1975)

FRANCISCUS
"ORDER" OF UNITED STATES DISTRICT COURT

Motion granted. The complaint is
dismissed.

SO ORDERED.

s/ CHARLES E. STEWART, Jr.

March 11, 1975

U.S.D.J.

(Filed U. S. District Court March 12, 1975)